



76
REQUEST FOR FILING CONTINUATION OR DIVISIONAL PATENT APPLICATION
(Under 37 CFR § 1.60)

CURTIS, MORRIS & SAFFORD, P.C.

3690 101 A
881995-3/Reg
File No. 454310-2430

| | |
|--|-----------------|
| PRIOR APPLICATION NO. | |
| EXAMINER Ellis, J. | ART UNIT 185 |
| ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | |
| CLASS | SUBCLASS |

| | |
|--|--|
| EXPRESS MAIL | |
| Mailing label number HB30622184XUS | |
| Date of Deposit May 4, 1992 | |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. | |
| Harry Bates, Jr. | |
| (Typed or printed name of person mailing paper or fee) | |
| <i>Harry Bates, Jr.</i> | |
| (Signature of person mailing paper or fee) | |

[37 CFR § 1.8 Certificate of Mailing CANNOT be used.]

COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

Sir:

This is a Request for filing a continuation, X divisional application under 37 CFR § 1.60 of pending prior application Serial No. 07/537,882, filed on June 14, 1990, by [Name(s) of Inventor(s)] Erzo Paoletti and Dennis Panicali, and currently entitled RECOMBINANT GENE

PRODUCTS (AS AMENDED).

1. X Enclosed is a copy of the latest inventor signed prior application, including the oath or declaration as originally filed. I hereby verify to the best of my information and belief that the attached papers are a true copy of the latest inventor signed prior application Serial No. 06/622,135 as originally filed on June 19, 1984.
2. X The filing fee is calculated on the basis of the claims existing in the prior application, less any claims cancelled by amendment at paragraph 5 below, plus any claims added by the enclosed Preliminary Amendment as follows:

| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|------------------|------------------|-----------------------------|------------------|
| TOTAL CLAIMS | 11 -20- | 0 | x \$20.00 | \$ 00.00 |
| INDEPENDENT CLAIMS | 1 -3- | 0 | x \$72.00 | 00.00 |
| MULTIPLE DEPENDENT CLAIMS(S) (IF APPLICABLE) | | | + \$220.00 | 00.00 |
| | | | BASIC FEE | + 690.00 |
| | | | Total of above Calculations | \$ 690.00 |
| Reduction by 1/2 for filing by small entity (Note: 37 CFR § 1.9, § 2.37, § 1.28). If applicable, verified statement must be attached or already be on file in prior application. | | | | N/A |
| | | | TOTAL FILING FEE - | \$ 690.00 |

3. X The Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 (for filing) and § 1.17 (for prosecution) which may be required with respect to the papers filed herewith, (X and also any additional such fees which may be required during the entire pendency of this application, and also the issue fee under 37 CFR 1.18), or credit any overpayment, to Deposit Account No. 03-3925. A duplicate copy of this sheet is enclosed.
4. a. X A check in the amount of \$690.00 is enclosed.
b. The filing fee to be paid later with surcharge [pursuant to 37 CFR § 1.53(d)].
5. X Cancel in this application original claims 2 to 21 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

BEST AVAILABLE COPY

Page 1 of 2

BEST AVAILABLE COPY

CONTINUATION/DIVISIONAL APPLICATION (37 CFR § 1.60)

6. Amend the specification by inserting before the first line the sentence:

B This application is a continuation division of application Serial No. , filed , 19. [Note: If priority under 35 U.S.C. 120 involves a series of respectively copending applications, then in this amendment identify each and its relationship to its immediate predecessor.]

7. a. A verified statement claiming small entity status is enclosed. [Note: Such a statement may be filed within two months with a request for refund of overpayment, under 37 CFR § 1.26(a)].
- b. A verified statement claiming small entity status was filed in the prior application, Serial No. filed , 19. Status as a small entity is still proper and is desired and claimed herein.
8. a. Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 CFR § 1.138 and before payment of issue fee.)
- b. X In formal drawings are enclosed.
9. a. Priority of foreign Application No(s). filed on in , respectively, is claimed under 35 U.S.C. 119.
- b. A certified copy of said foreign priority application(s) was filed in prior U.S. application Serial No. filed . Acknowledgement thereof is requested.
10. X The prior application is assigned of record to Health Research, Inc.
11. X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
12. X The power of attorney in the prior application is to: Curtis, Morris & Safford, P.C. (Reg. No. 12,761), and Donald R. Bentz, Reg. No. 18,371 and William S. Frommer, Reg. No. 25,506
- (4)* a. X The power appears in the original papers in the prior application.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
13. X Original title of prior U.S. application, if different from above: Vaccine Containing Synthetically Modified Vaccinia Virus
14. Also enclosed:
15. X Address all future communications to (may only be completed by applicant, or attorney, or agent of record):
Attention of: William S. Frommer, Esq.
c/o CURTIS, MORRIS & SAFFORD, P.C.
530 Fifth Avenue
New York, New York 10036
16. X Any extension of time necessary to maintain the copendency of the prior application and to allow the timely filing of this application is hereby requested. Please charge the fee for the extension of time, if not otherwise paid, to Deposit Account No. 03-3925. A duplicate copy of this sheet is enclosed for filing in the prior application file.

Date: May 1, 1992

CURTIS, MORRIS & SAFFORD, P.C.

Thomas J. Kowalski
Name: Thomas J. Kowalski
Reg. No.: 32,147
Attorney of record (or filed under 37 CFR § 1.134)
Telephone: (212) 840-3333

TJK12.2430.RR6